THE BUREAU OF INDIAN STANDARDS BILL, 1986—Contd.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, the Bureau of Indian Standards Bill, 1986, has been introduced by Shri H. K. L. Bhagat. It is in lieu of the Indian Standards Institute Act that was passed in 1952. Sir, at the fag end of the day, I would like to make only a few suggestions and would request the hon. Minister to react to these. Sir, the Bureau shall consist of the following members: Number (1) is the Ministry; Number (2) is the Minister of State; Number (3) is the Secretary and Number (4) is the Director General. Sir, the number of other members is not given. So, that gives me the hope. ...

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradsh): If you have the hope then carry on.

SHRI GHULAM RASOOL MATTO: That gives me the hope that the hon. Minister will take into consideration the different interests to be associated with the Bureau because such number of other persons, to represent the Government, industry, scientific and research institutions and other interests, as may be prescribed may be appointed by the Central Government. I would request the hon. Minister to consider the association of representatives of the States, number one, and Associations of the representatives of the consumers, those which are consumer societies and other societies and one Member each from the Lok Sabha and the Rajya Sabha. This is very essential to associate the States with this thing. But my emphasis is on the representatives of States, that is more important than the inclusion of the Members of Parliament. Why I say so, Sir, is because under this new revised Act a very good provision has been made and sweeping powers have been taken by the Government, which to my mind, are very good that if the Central Government, after consulting the Bureau, is of the opinion that it is necessary or expedient to do so, in the public interest, it may, by order published in the Official Gazette (a) notify any article or process of any scheduled industry which shall confirm to the Indian Standard; and and (b) direct the use of the Standard Mark under a licence as compulsory on such article or process. This is important because in case of ISI it was voluntary but, in this it is mandatory. Time has come when the Government must be armed with this authority. Why it is so, Sir, is because there is a misunderstanding amongst all of us that we are mixing two Acts one is the Standard Act and the other is the Adulteration Act. The Adulteration Act is an entirely different Act and the Standards Act is an entirely different Act. But I will only see and notice the honesty of the Government if within the next few days of the passing of this Act the Government will notify certain scheduled industries in which this standard must be prescribed and I include in that edible oils, vanaspati, because in edible oils this non-standard thing has come up and it is very essential that in order to inculcate a sense of discipline amongst the manufacturers it is essential that at least a minimum of 10 scheduled industries must be notified within the next two months before the Budget session which will specify that a compulsory ISI mark is to be done in this thing. This is very essential and this must be taken into consideration. (*Time bell rings*). My second point is with regard to the controvention of the rules.

Now, Sir, I would like to inform the Minster that all was not well with the ISI also. As he has himself said. That is why the Government had to come in. But I would like that under rules, it may not be in the Act, under the rules just as you have the CBI and then on that you have the IB and on that is the RAW, similarly the inspectorate of the Bureau of Indian Standards should also be under the surveillance of some other agency.

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which should oversee that this inspectorate and these officials who are responsible for giving this ISI mark are also brought to book whenever unnecessary. This is very essential because unless that is done, this thing canot be rectified.

Now, Sir, with regard to the penalty, while a penalty of Rs. 50,000 has been prescribed, I think it is very less. I think it should be increased and the punishment should also be prescribed, if it has not been so provided already in the rules. And punishment should be awarded to those who are found guilty of having given the ISI mark whereas their goods are not eligible for ISI mark. This is very essential and this should be taken into consideration.

I think it was Shri Sukul who suggested yesterday change in the ISI mark. I would like to know from the hon. Minister what other mark he proposes to introduce instead of ISI mark and what will happen to those goods which have been given this ISI mark but have not yet been marketed. Mr. Sukul also mentioned about the financial aspect. It is provided in the Financial Memorandum that the proposal before the Government regarding the expenditure on the Bureau is of the order of around Rs. 11.74 crores and total income from non-Governmental sources will be around Rs. 10.18 crores. I hope this has been taken care of Mr. Sukul gave the instance of sugar lobby... (*Interruptions*).

SHRI P. N. SUKUL (Uttar Pradesh): I said about self financing.

SHRI GHULAM RASOOL MATTO: I hope the Bureau will be self-financing. But I again repeat the vital point and would request the hon. Minister to inform me how many scheduled industries he proposes to bring into the orbit of compulsory ISI mark upto the Budget Section.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT): Mr. Vice-Chairman, I am very grateful to the hon. Members for the great interest shown by them in the discussion on this Bill, on the Bureau of Indian Standards and the anxiety they have shown about improvement of quality, fixation of standards, enforcement and implementation. I must say that by some of the suggestions, I have been enlightened.

Some very relevant points were raised and I would briefly give my observations.

First point was about the composition of the Bureau. Why we came to this ISI, and from ISI to Bureau of Indian Standards, there is a history behind it. This was studied by the Indian Institute of Management at Ahmedabad and finally it was considered by the Executive Committee of the ISI itself, and the feeling was that ISI as it stands today, is not able to fulfil the expectations which now exist in the country in view of lots of new things, new changes, and development, and in view of the need to have good standards for our goods, because we have to compete with the world in terms of our exports, and so on. Therefore, it was with that end that the present Bill has been brought. Now, a question has been raised about the composition of the Bureau. I entirely agree with the hon. Members that it should not be just a bureaucratic preserve. I can assure them that neither it will be a bureaucratic preserve not it will be dominated by bureaucracy. I can give that categorical assurance to hon. Members. But bureaucracy cannot be just wished out. Bureaucracy is a part of the system, with more Constitutional guarantees than, us. The late Shri Raghuramiah used to say that we politicians are permanently temporary while the bureaucrats are permanent. But they have

certainly made their contribution to the development of the country and we cannot just wish them out. But I assure you that in the constitution of the Bureau, it will not be either dominated by bureaucracy nor will it be a preserve of bureaucracy, and consumer representatives in adequate strength will be there, and the suggestion of putting Members of Parliament also there can be considered. There is no difficulty in considering that suggestion. That is why it is open in the rules. Suppose we are tied down in the rules; in that case, our hands would have been tied. Certain things are mentioned. The number of Members may be one, two. But the opening is very much there. Now, as I said, this should be a sort of a technically competent, professionally competent body and, at the same time, it should, with resolute courage and clarity, watch the interests of the consumers not only in India, but also from the point of view of maintaining international standards. This is the approach. It is not just a question of putting some white collared gentry in it and making it a showroom thing. We want it to be really practical.

The second question which he has raised is a very important one. Hon. Member wants an assurance from me right now on the floor of the House. He says he will judge our honesty if we give the promise that we will bring in all the scheduled industries. I hope, he does not want me to give any false promise. Nor will I give one, even if he wants it. I am sure, he does not want it. There are 112 items for which there is mandatory certification marking under some Acts. In addition, 12 items, which are electrical appliances mostly used in homes, are under active consideration. It is easy for me to give the promise that we will bring in all the industries for standards marking. But I cannot do it immediately because we have to take into account the capacity of the ISI to frame standards. It takes a long time. There is also the question of availability of laboratories. The ISI has six or seven laboratories of its own. But it is using 200 other private laboratories which are co-operating with the ISI. Therefore, I can only give the promise which I can fulfill. I can assure you that the provision which you yourself have quoted, section 14 gives us an opportunity to bring in all the industries mentioned in the Schedule to the Industries (Development and Regulation) Act under mandatory marking scheme. Almost all the industries are mentioned in that Schedule . But I cannot say that we will bring all of them under the mandatory marking. We can only bring in those which the ISI can do, for which the ISI has the capacity and the capability. We cannot just shoot in the air. I agree that there are some consumer items. We will try to give as much preference to them as we possibly can do. But there are also certain other vital sector of the industry which need attention.

Now, the question of punishment. Previously, it was voluntary. If somebody has taken a licence and he does not fallow it, or he does not follow the rules, the punishment was Rs. 10,000. Now, this has been increased to Rs. 50,000 and one year imprisonment. This has been provided. I agree that some people say that this is not adequate. We shall watch the situation and enhance it if necessary. But let us remember that this is not the only remedy, against substandard goods, bad quality goods. This is only one of the several pieces of Legislation. Tomorrow, I will be coming before you with the Consumer Protection Bill and six or seven other Bills. There are other Bills which are preventive and punitive in nature. The punishment provided is much more. In some cases, a minimum punishment has been provided. I do not claim that with the establishment of this Bureau, the heavens will at

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once come on us, that adulteration will disappear, that substandard goods will disappear. I do not expect that. I only say that this has given us an opportunity to improve things which we seriously wish to improve and I am confident that things will improve to a great extent.

Another major thing in this and in the other legislations which we are bringing before you tomorrow is that, so far, making a complaint has been the preserve only of the officers, the inspectors, the Government people. They can only complain that this is of bad quality and so on. I do not say that all the officers are bad, all the inspectors are bad. There may be good people, there may be bad people. But this was the position. Now, in this as well as in the other legislations which will be coming up, a complaint can be filed by any aggrieved consumer or by any registered society of consumers so that everybody can become a complainant. This is a major steps which is being taken through these various legislations.

A question was raised whether the industry was consulted. Some hon. Member said that we are getting a revenue of Rs. 60—80 lakhs per month from a large number of industries which are members, donors and so on and that we will be losing it. About consultation of the industry. I would respectfully submit that there has been a complaint that the ISI is a highly industry-dominated institute. While consultation and association of the industry is there, it will remain there in various committees. There is no doubt about that. But we certainly want that the Bureau of Indian Standards is fair, objective and independent as far as possible. Certainly, we will be losing revenue of Rs. 60 to 70 lakhs but we would try to collect that revenue by raising the fees which are there on sample testing, licences and others things. Now the fees are not much. Also so far as the financial position of the ISI is concerned, it takes very little from the Government, a couple of per cent only. It has its own revenue, it has its own collections and the ISI's efforts should be to be self-sufficient as far as possible. If some help from Government is necessary that they will take.

Then the question about vanaspati was raised, compulsory standard for vanaspati is already laid down. Any breach of standard is an offence.

Regarding edible oils, they do not come under compulsory ISI certification making, but there are standards fixed under some other Act like the Prevention of Food Adulteration Act. We shall consider the point which the hon. Member is suggesting.

Then the question was raised, why should we have national standard, why not have international standard? Well, we have to have our own standard. We have to do our best to see that we compete with the international standard. We can be equal and there is a liaison between various international institutions and organisations that are signatory to the GATT Agreement. India has been given some work. We are also doing an important work so far as Non-alignment is concerned. In fact, ISI has an image or status. It is a member of a large number of international committees. It is doing good work. We have to do our best to see that our standards improve and are up to the mark. Wherever necessary, we can adopt international standards. We can certainly adopt international standards. This is very important from the point of view of our exports.

So far as fertilizer is concerned, for fertilizer also standard is fixed. It is administered under fertilizer control order by the Ministry of Agriculture. They administer that. But so far as the standard is concerned, it is fixed.

So far as drugs are concerned, they are governed by the Drugs and Cosmetics Act. They fix standards and they are administered under that Act.

One important question that was raised by Sukulji was, why are you calling it Bureau, why don't you call it by any other name? Perhaps there is some point in that, but I feel there are other countries also where they have different names. For example, Britain calls it BIS. Ours will also become BIS. Now the question is of the mark that we give, whether we will continue with the same ISI mark. The ISI mark has been there for a long time. It has gone on, but it is open for us to consider whether to continue with this ISI mark or return to BIS and so on and so forth, but the issue is open to us.

One most important question was raised yesterday by some hon. Member that consumers are cheated and in many cases false kinds of advertisements, luring advertisements are given, taking the consumers to the Heavens, so that they purchased these things. Now, I do not know whether I can ban the advertisements on the TV but we shall examine the question that those companies whose standards are found to be defective or those who have standards but are not using those standards and in other ways, those who are found to have been convicted of certain offences, why can't they be publicised on radio and TV? Let the people know that they are this type of people so that the people know whom to deal with and whom not to deal with. We will certainly examine that suggestion. That is what is done in certain countries. That is the point. Then we want, it is unfortunate...

SHRI NIRMAL CHATTERJEE (West Bengal): There is a provision in the MRTP Act and such advertisements can be sent to them.

SHRI H. K. L. BHAGAT: Thank you very much for pointing this out. I know there is a provision in the MRTP Act and in the Consumer Protection Bill which has been passed by the Lok Sabha today and we are coming to you tomorrow with the same, there is division of work with regard to the unfair trade practices. For your information, Mr. Vajpayee, it has been passed unanimously by the other House with every Member of every party supporting it. Every body was saying, no Select Committee—I am going off the record a bit—now it should not be delayed because the Bill is so good. We can later on, if we find anything wrong, amend it.

Then my hon. colleague is right when he says there is some provision in the MRTP Act. It is there with regard to unfair trade practices. In the new Bill which is coming to you tomorrow, unfair trade practices have also been brought under the Consumer Protection Bill, with the difference that the MRTP Act will deal with only unfair trade practices which relate to monopoly houses; others will be dealt with by the National Consumers Commission. Whatever powers are available to us under this or any other law or administratively, we are strongly for using them on the media to expose those who do such black deeds.

Now, so far as food articles are concerned, standards of a number of food articles are fixed under the Prevention of Food Adulteration Act. About complaints I have already said. Now a point was made by an hon. Member that you must have a check and a counter-check and a counter-check, a wheel over a wheel over a wheel so that proper enforcement is done. Naturally in the ISI itself, if I accept this suggestion as it has come to me, it shall mean putting a number of people on this, one after another, and it will mean lot of expense and more staff, which we would like to avoid. But I can assure you that we will do our best to enforce it so that things are seen in a proper manner.

Now supposing somebody who has a standard is using spurious standard

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In regard to that there are other laws and other legal agencies. But what is required in regard to consumer protection is coordination in the administration of different laws, multiple laws dealing with the consumers and also chasing them and, sort of, having a better enforcement. We shall do our best to enforce them as best as we can. Under the ISI itself, the laboratories need to be upgraded, new technology, machines, instruments and other things have to be brought in. They have drawn up a plan of action for that purpose and some funds—I think some crores of rupees—have been provided in the Seventh Plan and they are going ahead. We shall do our best in the matter of improving the ISI. But ISI alone—I mean the Bureau of Indian Standards alone—or this Bill alone cannot provide all the results, and this is the basic thing. We would like to have as many articles as we can. Then the other things have been taken care of in some other Bills. But all the Bills together, mere legislation, mere legislative measures, will not be enough in this country. If we want real results for the consumers, it can only be by development of a very well-organised consumer movement at the grassroot level. A consumer movement cannot be developed by the Government, should not be dependent on Government, should not be sponsored by Government. Government should encourage it as it can, and possibly it can, but it has to grow up from the grassroot level and I have no doubt that today consumer organisations exist in some parts of the country and they are doing work. But we do not have a consumer movement as it should be. We all have—you and me—confidence in the people of India. This idea is catching up and in due course of time—I do not know when; I may see it or may not see it, I can't say—have no doubt that in India in the years to come a very powerful, organized, disciplined consumer movement is necessary. Consumers will have to be responsible also—disciplined, better organised — and particularly women will have to play a larger role in that. For that I will come to you with the subject when the Bills come.

I feel this Bill is good; it will improve things in many ways; it is far better than the arrangements which exist already. I, therefore, request that the Bill may be passed.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The question is:

"That the Bill to provide for the establishment of a Bureau for the harmonious development of the activities of standardisation, marking and quality certification of goods and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 42 were added to the Bill. Clause 1, the Enacting Formula, and the title were added to the Bill.

SHRI H. K. L. BHAGAT: Sir, I beg to move

"That the Bill be passed."

The question was put and the motion was adopted.

MESSAGES FROM THE LOK SABHA —contd.

(II) The Delhi Apartment Ownership Bill, 1986.

(III) The Indian Post Office (Second Amendment) Bill, 1986.

(IV) The Consumer Protection Bill, 1986

(V) The Standards of Weights and Measures (Amendment) Bill, 1986.